

REMARKS

1. The Applicant expresses his appreciation to the Examiner for the diligence shown in the examination of this application.
2. Reconsideration of the application as amended is respectfully requested.
3. The Applicant submits that the drawing objection for the bias element of original claim 10 is in error. The bias element referred to the claim is advance cylinder 419 of FIG. 4 and the specification (pg 7, line 2) as originally filed. The Applicant believes that amended language in the preceding claims deleting the term "indexing means" further clarifies this distinction.
4. Claims 1-3, and 10 were amended to more particularly claim the invention over the art of record and to correct dependent claim references. Claim 9 was amended to correct the number of an original dependent claim. The Applicant submits that no new matter was introduced as a result of these amendments.
5. Claims 1-3, 5, and 7-10 were rejected under 35 U.S.C. section 103(a) as being unpatentable over Lipes (939) in view of Savigny (143). Claims 4 and 6 were rejected under 35 U.S.C. section 103(a) as being unpatentable over Lipes (939) in view of Savigny as in claim 1 and further in view of Jensen (409). Lipes discloses a bagging machine with bag holding and stretching means. The machine utilizes an inclined wicker pin 16 to hold bags. Savigny discloses a bag holder and loading device for a bagger. The device utilizes a pair of cylinders to clamp a bag wicket against movable jaws of a rotating base plate. Jensen discloses an apparatus for manufacture of wicket bags with an encapsulated article. The wicket of bags utilize a plurality of processing stations.

The Novel Physical Features Of The Claims Provide New and Unexpected Results And Hence Should be Considered Unobvious, Making the Claims Patentable Under Section 103.

6. The Applicant submits that independent claim 10, as amended, provides new and unexpected results and hence should be considered unobvious, making the claim patentable under section 103.

7. Specifically, the movable bias element (cylinder 419) indexing the wicket wire toward a frame stop attached to said frame is novel over Lipes and Savigny. Lipes has no movable bias element at all. The multiple cylinders of Savigny bias the wicket wire against a movable jaw mounted on a rotatable base as opposed to the fixed frame stop of the present invention.

8. The use of the single, fixed bias cylinder engaging multiple wicket bars of the present invention and biasing against a fixed frame stop eliminates the multiple bias cylinders of Savigny and the need to compensate for supplying air to cylinders rotating on a carousel. The novel bias cylinder of the present invention surprisingly allows multiple wicket bag stations with a single cylinder and a simpler air supply system, reducing cost and improving reliability and demonstrates the unobviousness of the design.

Unsuggested Combination

9. Neither Lipes, Savigny nor Jensen contain any suggestion that the disclosed features recited in these remarks be combined. The biasing cylinder arrangement as claimed is not disclosed or suggested by and of the art of record.

References Take Different Approaches

10. The Lipes reference teaches no automated method for wicket station presentation. The Savigny reference teaches a cylinder and back plate for each wicket station. The

Jensen reference teaches different manufacturing steps at each position including forming bag pockets without separating the bag from the wicket. Since the references take such disparate approaches to solving different problems, there would be no motivation for combining the references in the obviousness rejections of the original claims or claims as amended.

Multiplicity of Steps Required

11. The combination, if undertaken, would require a series of separate, awkward combinative steps that are too involved to be considered obvious. For example, combining multiple wicket bag stations of Savigny on the Lipes machine would require multiple additional cylinders and solving an air supply problem not addressed in any of the references. Therefore, the original combination, as suggested by the Examiner, would be unnecessarily complex to be obvious.

Combination Still Lacking Novel Features

12. Even if the references are combined as suggested by the Examiner, the resulting combination would still not result in the present invention. A combination would not result in a movable bias element indexing the wicket wire toward a frame stop attached to said frame.

The Cited But Non-Applied References

13. These subsidiary references have been noted and reviewed, but are submitted to be less relevant than the relied upon references.

The Dependent Claims Are A-fortiori Patentable

14. The dependent claims add additional novel features and thus are submitted to be, a-fortiori, patentable. For example, the use of four wicket bars is novel over even the

Jensen reference since the positions of the Jensen device are not bagging stations. The single fixed cylinder of dependent claim 10 is novel over all of the art of record.

Allowance Requested

15. For the above reasons, the Applicant submits that the Bagging Apparatus for Use with Wicket Bags disclosed and claimed in the present application is not taught by any of the references of record, taken either alone, or in combination. Therefore, allowance of the present application is in order and respectfully requested.

Request For Constructive Assistance

The undersigned has made a diligent effort to amend the claims of this application so that they define novel structure and render the claimed structure unobvious because it produces new and unexpected results. If for any reason the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to MEP 707.07(j) and MEP 706.03 (d) in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,



Kenneth S. Watkins, Jr.

Registration No. 37466

372 River Drive

Dahlonega, GA 30533

Ph. (706)864-6304

Fax (706) 864-1056

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Kenneth S. Watkins, Jr.

Name of Registered Representative



Signature

Reg. No. 37466